

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE	)	
INTEL CORP.	)	
MICROPROCESSOR ANTITRUST	)	MDL No. 05-1717-JJF
LITIGATION	)	
<hr/>		
PHIL PAUL, <i>on behalf of himself</i>	)	
<i>and all others similarly situated,</i>	)	Civil Action No. 05-485-JJF
	)	
Plaintiffs,	)	CONSOLIDATED ACTION
	)	
v.	)	
	)	
INTEL CORPORATION,	)	
	)	
Defendant.	)	
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**NOTICE OF SUBPOENA**

TO: Counsel of Record  
(Per the Attached Service List)

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, on January 18, 2007, the attached subpoena was issued to Atipa Technologies, 4921 Legends Drive, Lawrence, Kansas 66049 commanding it to produce for inspection and copying on February 14, 2007 the documents identified in Schedule A appended thereto.

PRICKETT, JONES & ELLIOTT, P.A.

Dated: January 19, 2007

  
James L. Holzman (DE Bar #660)  
J. Clayton Athey (DE Bar #4378)  
Laina M. Herbert (DE Bar #4717)  
1310 King Street, Box 1328  
Wilmington, DE 19899  
(302) 888-6500  
jlholzman@prickett.com  
jcathey@prickett.com  
lmherbert@prickett.com  
*Interim Liaison Counsel for Plaintiffs*

*Co-Lead and Interim Counsel for Plaintiffs:*

Michael D. Hausfeld  
Daniel A. Small  
Brent W. Landau  
Allyson B. Baker  
COHEN, MILSTEIN, HAUSFELD & TOLL,  
P.L.L.C.  
1100 New York Avenue, NW  
Suite 500, West Tower  
Washington, DC 20005  
[mhausfeld@cmht.com](mailto:mhausfeld@cmht.com) [dsmall@cmht.com](mailto:dsmall@cmht.com)  
[blandau@cmht.com](mailto:blandau@cmht.com) [abaker@cmht.com](mailto:abaker@cmht.com)

Michael P. Lehmann  
Thomas P. Dove  
Alex C. Turan  
THE FURTH FIRM, LLP  
225 Bush Street, 15th Floor  
San Francisco, CA 94104  
[mplehmann@furth.com](mailto:mplehmann@furth.com)  
[tdove@furth.com](mailto:tdove@furth.com)  
[aturan@furth.com](mailto:aturan@furth.com)

Steve W. Berman  
Anthony Shapiro  
Craig R. Spiegel  
HAGENS BERMAN SOBOL SHAPIRO, LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
[steve@hbsslaw.com](mailto:steve@hbsslaw.com)  
[tony@hbsslaw.com](mailto:tony@hbsslaw.com)  
[craig@hbsslaw.com](mailto:craig@hbsslaw.com)

Guido Saveri  
R. Alexander Saveri  
SAVERI & SAVERI, INC.  
111 Pine Street, Suite 1700  
San Francisco, CA 94111  
[guido@saveri.com](mailto:guido@saveri.com)  
[rick@saveri.com](mailto:rick@saveri.com)

A 88 (Rev. 11/91) Subpoena in a Civil Case

**United States District Court**

DISTRICT OF KANSAS

IN RE: INTEL CORPORATION  
MICROPROCESSOR ANTITRUST LITIGATION**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: MDL 05-1717-JJF

PHIL PAUL, on behalf of himself and all others  
similarly situated,  
v.CA No. 05-485 -JJF  
Consolidated Action

INTEL CORPORATION

United States District Court,  
District of DelawareTO: Atipa Technologies  
4921 Legends Drive  
Lawrence, KS 66049☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects): SEE Attached Schedule A

PLACE

Sharp McQueen, P.A.  
6900 College Boulevard  
Suite 285  
Overland Park, KS 66211

DATE AND TIME

02/14/2007 at 9:30 AM CST

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



1/18/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Vincent J. Esades  
Heins Mills & Olson, P.L.C.  
3550 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
(612) 338-4605

(See Rule 45. Federal Rules of Civil Procedure Parts C &amp; D on Reverse)

A 88 (Rev. 11/91) Subpoena in a Civil Case

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**PROOF OF SERVICE**


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DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

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 Rule 45, Federal Rules of Civil Procedure, Parts C & D:
**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On a timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend a trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected materials and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specified events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance and production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

**Schedule A**

**Definitions**

1. For purposes of this document request, "DOCUMENT" includes, without limitation, any hard copy writings and documents as well as electronically stored data-files including email, instant messaging, shared network files, and databases created, accessed, modified or dated on or after January 1, 2000.
2. With respect to electronically stored data, "DOCUMENT" also includes, without limitation, any data on magnetic or optical storage (*e.g.*, servers, storage area networks, hard drives backup tapes, CDs, DVDs, thumb/flash drives, floppy disks, or any other type of portable storage device, etc.) stored as an "active" or backup file, in its native format.
3. For purposes of this document request, "MICROPROCESSORS" means general purpose microprocessors using the x86 instruction set (*e.g.*, Sempron, Athlon, Turion, Operton, Celeron, Pentium, Core, Core Duo and Xeon).
4. For purposes of this document request, "FINANCIAL INDUCEMENT" means any payment, subsidy, rebate, discount (on MICROPROCESSORS or on any other INTEL product), Intel Inside funds, E-Cap funds (exceptions to corporate approved pricing), Market Development Funds ("MDF"), "meeting competition" or "meet comp" payments, "depo" payments, program monies, or any advertising or pricing support.
5. For purposes of this document request, "COMPANY" refers to Atipa Technologies LLC and any of its controlled present or former subsidiaries, parents, and predecessor or successor companies.
6. "INTEL" refers to Intel Corporation, Intel Kabushiki Kaisha, and any of their present or former subsidiaries, affiliates, parents, assigns, predecessor or successor companies and divisions thereof.
7. "AMD" refers to Advanced Micro Devices, Inc. AMD International Sales and Service Ltd., and any of their present or former subsidiaries, affiliates, parents, assigns, predecessor or successor companies and divisions thereof.
8. "SKU" means stock keeping unit.
9. For purposes of this request, "COMPUTER SYSTEM" means any product that utilizes a MICROPROCESSOR including, without limitation, desktop computers, notebook computers and workstations.

Instructions

1. The time period, unless otherwise specified, covered by each request set forth below is from January 1, 2000 up to and including the present.
2. In responding to each request set forth below, please set forth each request in full before each response.
3. If any DOCUMENT covered by these requests is withheld by reason of a claim of privilege, please furnish a list at the time the DOCUMENTS are produced identifying any such DOCUMENT for which the privilege is claimed, together with the following information with respect to any such DOCUMENT withheld: author; recipient; sender; indicated or blind copies; date; general subject matter; basis upon which privilege is claimed; and the paragraph of these requests to which such DOCUMENT relates.
4. If your COMPANY objects to a request in part, please state specifically which part of the request your COMPANY objects to and produce all DOCUMENTS responsive to all other parts of the request.
5. With respect to any DOCUMENT maintained or stored electronically, please harvest it in a manner that maintains the integrity and readability of all data, including all metadata.
6. Please produce all DOCUMENTS maintained or stored electronically in native, electronic format with all relevant metadata intact and in an appropriate and useable manner (*e.g.*, by copying such data onto a USB 2.0 external hard drive). Encrypted or password-protected DOCUMENTS should be produced in a form permitting them to be reviewed.
7. In connection with your production of DOCUMENTS, please produce any relevant data dictionaries, data transactions, lookup tables, and/or any other documentation designed to facilitate use of the data contained within the DOCUMENTS produced.
8. Please organize electronic DOCUMENTS produced for inspection in the same manner that the COMPANY stores them (*e.g.*, if maintained by a custodian, such as email residing on a email server, please organize DOCUMENTS for production by custodian; if maintained in a subfolder of "My Documents" on a custodian's hard drive, please organize DOCUMENTS for production by custodian with path information preserved, etc.).
9. To the extent responsive DOCUMENTS reside on a database and other such systems and files, your COMPANY shall either produce the relevant database in useable form and/or shall permit access for inspection, review, and extraction of responsive information.

10. At your COMPANY's election, DOCUMENTS maintained or stored in paper, hard-copy form can be produced as searchable .PDF (*e.g.*, by copying such data onto a USB 2.0 external hard drive).

**DOCUMENT REQUESTS**

1. DOCUMENTS sufficient to identify the (1) product type; (2) brand; (3) model; (4) components (*e.g.*, CPU, keyboard, monitor); and (5) SKUs of x86 COMPUTER SYSTEMS that you sell.

**Purchase and Sales History**

2. DOCUMENTS sufficient to show:
  - a. Historical purchase volumes by month and type of processor (broken down by units, brand and SKU number); associated prices paid; and all related governing contract(s), for all MICROPROCESSORS purchased from INTEL and AMD since January 1, 2000.
  - b. The aggregate amount by month of any payment, subsidy, rebate, discount, Intel Inside funds, E-Cap funds, Market Development Funds, "meeting competition" payments, or any advertising or pricing support provided by your COMPANY in connection with its purchase of MICROPROCESSORS since January 1, 2000 broken down by month and by brand, unit and SKU.
  - c. The use or disposition of any discount, subsidy, or marketing support provided by INTEL in connection with the sale of servers containing INTEL MICROPROCESSORS for the purpose of competing against servers containing AMD MICROPROCESSORS.
3. DOCUMENTS sufficient to show:
  - a. Sales transactions (and/or leases) of COMPUTER SYSTEMS that your COMPANY has made that detail (i) the date of the sale or lease (ii) the SKU sold or leased; (iii) the COMPUTER SYSTEM specification (including the type of MICROPROCESSOR, type of operating system, type of memory, type of hard drive, type of monitor, and any software, other hardware, or warranties factored into the total price of the computer); (iv) the number of units of each SKU sold or leased; (v) the price of each SKU sold or leased; (vi) the net amount paid (*i.e.* revenues) for each sale or lease; (vii) the gross profit generated by each sale or lease; (viii) the name and address of the customer to whom the sale or lease was made; (ix) the ship to zip code of the customer or the zip code of the store location that made the sale or lease.
4. DOCUMENTS sufficient to show:
  - a. Revenue, costs of goods sold, and operating expenses broken down by (i) product line; (ii) SKU number; and (iii) month or quarter since January 1, 2000.



**CERTIFICATE OF SERVICE**

I, Laina M. Herbert, hereby certify that on this 19<sup>th</sup> day of January, 2007, I caused the foregoing **NOTICE OF SUBPOENA** to be served on the following counsel via electronic filing:

Frederick L. Cottrell, III, Esquire  
Chad Michael Shandler, Esquire  
Steven J. Fineman, Esquire  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899  
[cottrell@rlf.com](mailto:cottrell@rlf.com)  
[shandler@rlf.com](mailto:shandler@rlf.com)  
[fineman@rlf.com](mailto:fineman@rlf.com)  
*Counsel for AMD International Sales &  
Service LTD and Advanced Micro Devices,  
Inc.*

Adam L. Balick, Esquire  
Bifferato Gentilotti Biden & Balick  
711 North King Street  
Wilmington, DE 19801-3503  
[abalick@bgbbllaw.com](mailto:abalick@bgbbllaw.com)  
*Counsel for AMD International Sales &  
Service LTD and Advanced Micro Devices,  
Inc.*

Richard L. Horwitz, Esquire  
W. Harding Drane, Jr., Esquire  
Potter Anderson & Corroon, LLP  
1313 N. Market St., Hercules Plaza, 6th Flr.  
P.O. Box 951  
Wilmington, DE 19899-0951  
[rhhorwitz@potteranderson.com](mailto:rhhorwitz@potteranderson.com)  
[wdrane@potteranderson.com](mailto:wdrane@potteranderson.com)  
*Counsel for Intel Corporation and Intel  
Kabushiki Kaisha*

Charles P. Diamond, Esquire  
Mark A. Samuels, Esquire  
Linda J. Smith, Esquire  
O'Melveny & Myers LLP  
1999 Avenue of the Stars, 7th Floor  
Los Angeles, CA 90067  
[CDiamond@omm.com](mailto:CDiamond@omm.com)  
[MSamuels@omm.com](mailto:MSamuels@omm.com)  
[lsmith@omm.com](mailto:lsmith@omm.com)  
*Counsel for AMD International Sales &  
Service LTD and Advanced Micro Devices,  
Inc.*

Laurin Grollman, Esquire  
Salem M. Katsh, Esquire  
Kasowitz, Benson, Torres & Friedman LLP  
1633 Broadway  
New York, New York 10019  
[lgrollman@kasowitz.com](mailto:lgrollman@kasowitz.com)  
[skatsh@kasowitz.com](mailto:skatsh@kasowitz.com)  
*Counsel for AMD International Sales &  
Service LTD and Advanced Micro Devices,  
Inc.*

David Mark Balabanian, Esquire  
Joy K. Fuyuno, Esquire  
Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
[david.balabanian@bingham.com](mailto:david.balabanian@bingham.com)  
[joy.fuyuno@bingham.com](mailto:joy.fuyuno@bingham.com)  
*Counsel for Intel Corporation*

Christopher B. Hockett, Esquire  
Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA 94111  
[chris.hockett@bingham.com](mailto:chris.hockett@bingham.com)  
*Counsel for Intel Corporation*

Darren B. Bernhard, Esquire  
Peter E. Moll, Esquire  
Howrey LLP  
1299 Pennsylvania Ave., N.W.  
Washington, DC 20004  
[Bernharddd@howrey.com](mailto:Bernharddd@howrey.com)  
*Counsel for Intel Corporation and Intel  
Kabushiki Kaisha*

Daniel S. Floyd, Esquire  
Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, California  
90071-3197  
[dfloyd@gibsondunn.com](mailto:dfloyd@gibsondunn.com)  
*Counsel for Intel Corporation*

B.J. Wade, Esquire  
Glassman Edwards Wade & Wyatt, P.C.  
26 N. Second Street  
Memphis, TN 38103  
[bwade@gewwlaw.com](mailto:bwade@gewwlaw.com)  
*Counsel for Cory Wiles*

Robert E. Cooper, Esquire  
Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, California  
90071-3197  
[rcooper@gibsondunn.com](mailto:rcooper@gibsondunn.com)  
*Counsel for Intel Corporation*

Nancy L. Fineman, Esquire  
Cotchett, Pitre, Simon & McCarthy  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
[nfineman@cpsmlaw.com](mailto:nfineman@cpsmlaw.com)  
*Counsel for Trotter-Vogel Realty Inc.*

Donald F. Drummond, Esquire  
Drummond & Associates  
One California Street, Suite 300  
San Francisco, CA 94111  
[ballen@drummondlaw.net](mailto:ballen@drummondlaw.net)  
*Counsel for Dressed to Kill Custom Draperies  
LLC, Jose Juan, Tracy Kinder and Edward  
Rush*

Robert D. Goldberg, Esquire  
Biggs and Battaglia  
921 North Orange Street, P.O. Box 1489  
Wilmington, DE 19899  
[goldberg@batlaw.com](mailto:goldberg@batlaw.com)  
*Counsel for Charles Dupraz, Vanessa Z.  
DeGeorge, Melissa Goeke, Nancy Bjork,  
James R. Conley, Jeff Vaught, Jim Kidwell  
Richard Caplan, Virginia Deering, Ficor  
Acquisition Co. LLC, Tom Hobbs, David  
Kurzman, Leslie March, Andrew Marcus,  
Paula Nardella, Bill Richards, Maria Pilar  
Salgado, Ron Terranova, Nancy Wolft Ryan  
James Volden and Carl Yamaguchi*

Donald Chidi Amamgbo, Esquire  
Amamgbo & Associates, APC  
1940 Embarcadero Cove  
Oakland, CA 94606  
[donaldamamgbo@citycom.com](mailto:donaldamamgbo@citycom.com)  
*Counsel for Athan Uwakwe*

Jeffrey F. Keller, Esquire  
Jade Butman, Esquire  
Law Offices of Jeffrey F. Keller  
425 Second Street, Suite 500  
San Francisco, CA 94107  
[jkeller@jfkellerlaw.com](mailto:jkeller@jfkellerlaw.com)  
[jbutman@kellergrover.com](mailto:jbutman@kellergrover.com)  
*Counsel for David E. Lipton, Maria I. Prohias,  
Patricia M. Niehaus, Peter Jon Naigow, Ronld  
Konieczka, Steve J. Hamilton, Susan Baxley  
and Kevin Stoltz*

Gordon Ball, Esquire  
Ball & Scott  
550 W. Main Ave., Suite 750  
Knoxville, TN 37902  
[gball@ballandscott.com](mailto:gball@ballandscott.com)  
*Counsel for Andrew Armbrister and Melissa  
Armbrister*

Joseph M. Patane, Esquire  
Law Offices of Joseph M. Patane  
2280 Union Street  
San Francisco, CA 94123  
[jpatane@tatp.com](mailto:jpatane@tatp.com)  
*Counsel for Karol Juskiewicz and Lawrence  
Lang*

James Gordon McMillan, III, Esquire  
Bouchard Margules & Friedlander  
222 Delaware Avenue,  
Suite 1400  
Wilmington, DE 19801  
[jmcmillan@bmf-law.com](mailto:jmcmillan@bmf-law.com)  
*Counsel for Raphael Allison and Matthew  
Kravitz*

Michele C. Jackson, Esquire  
Lief Cabraser Heimann & Bernstein, LLP  
Embarcadero Center West, 275 Battery Street,  
30th Floor  
San Francisco, CA 94111  
[mjackson@lchb.com](mailto:mjackson@lchb.com)  
*Counsel for Huston Frazier, Jeanne Cook  
Frazier and Brian Weiner*

A. Zachary Naylor, Esquire  
Robert Kriner, Jr., Esquire  
Robert R. Davis, Esquire  
James R. Malone, Jr., Esquire  
Chimicles & Tikellis, LLP  
One Rodney Square, P.O. Box 1035  
Wilmington, DE 19899  
[zacharynaylor@chimicles.com](mailto:zacharynaylor@chimicles.com)  
[robertkriner@chimicles.com](mailto:robertkriner@chimicles.com)  
[robertdavis@chimicles.com](mailto:robertdavis@chimicles.com)  
[jamesmalone@chimicles.com](mailto:jamesmalone@chimicles.com)

*Counsel for Gideon Elliott, Angel Genese, Nir Goldman, Paul C. Czysz, Elizabeth Bruderle Baran, Carrol Cowan, Russell Dennis, Damon DiMarco, Kathy Ann Chapman, Caresse Harms, JWRE Inc., Leonard Lorenzo, Michael E. Ludt, John Maita, Chrystal Moeller, Robert J. Rainwater, Mary Reeder, Stuart Schupler and Sonia Yaco*

Ali Oromchian, Esquire  
Finkelstein, Thompson & Loughran  
601 Montgomery Street, Suite 665  
San Francisco, CA 94111  
[ao@ftllaw.com](mailto:ao@ftllaw.com)

*Counsel for Ian Walker, Damon DiMarco, Carrol Cowan, Leonard Lorenzo and Russell Dennis*

Vincent J. Esades, Esquire  
Muria J. Kruger, Esquire  
Marguerite E. O'Brien, Esquire  
Heins Mills & Olson, P.L.C.  
3550 I.D.S. Center  
80 S. Eight Street  
Minneapolis, MN 55402  
[vesades@heinsmills.com](mailto:vesades@heinsmills.com)  
[mkruger@heinsmills.com](mailto:mkruger@heinsmills.com)  
[mobrien@heinsmills.com](mailto:mobrien@heinsmills.com)

*Counsel for Bergerson & Associates Inc.*

Harry Shulman, Esquire  
Robert Mills, Esquire  
The Mills Law Firm  
145 Marina Boulevard  
San Rafeal, CA 94901  
[harry@millslawfirm.com](mailto:harry@millslawfirm.com)  
[deepbluesky341@hotmail.com](mailto:deepbluesky341@hotmail.com)  
*Counsel for Stuart Munson*

Douglas A. Millen, Esquire  
Steven A. Kanner, Esquire  
Much Shelist Freed Denenberg Ament & Rubenstein, P.C.  
191 North Wacker Drive, Suite 1800  
Chicago, IL 60606  
[dmillen@muchshelist.com](mailto:dmillen@muchshelist.com)  
[skanner@muchshelist.com](mailto:skanner@muchshelist.com)  
*Counsel for HP Consulting Services Inc. and Phillip Boeding*

Garrett D. Blanchfield, Jr., Esquire  
Mark Reinhardt, Esquire  
Reinhardt Wendorf & Blanchfield  
332 Minnesota Street, Suite E-1250  
St. Paul, MN 55101  
[g.blanchfield@rwblawfirm.com](mailto:g.blanchfield@rwblawfirm.com)  
[mreinhardt@comcast.net](mailto:mreinhardt@comcast.net)  
*Counsel for Susan Baxley*

Hollis L. Salzman, Esquire  
Kellie Safar, Esquire  
Goodking Labaton Rudoff & Sucharow, LLP  
100 Park Avenue  
New York, NY 10017  
[hsalzman@labaton.com](mailto:hsalzman@labaton.com)  
[ksafar@labaton.com](mailto:ksafar@labaton.com)  
*Counsel for Angel Genese, Gideon Elliott and Nir Goldman*

R. Bruce McNew, Esquire  
Taylor & McNew, LLP  
3711 Kennett Pike, Suite 210  
Greenville, DE 19807  
[mcnew@taylormcnew.com](mailto:mcnew@taylormcnew.com)  
*Counsel for Robert Marshall*

Jason S. Kilene, Esquire  
Daniel E. Gustafson, Esquire  
Gustafson Gluek PLLC  
650 Northstar East, 608 Second Avenue South  
Minneapolis, MN 55402  
[jkilene@gustafsongluek.com](mailto:jkilene@gustafsongluek.com)  
[dgustafson@gustafsongluek.com](mailto:dgustafson@gustafsongluek.com)  
*Counsel for Fiarмонт Orthopedics & Sports Medicine PA*

Ian Otto, Esquire  
Nathan Cihlar, Esquire  
Straus & Boies, LLP  
4041 University Drive, 5th Floor  
Fairfax, VA 22030  
[dboies@straus-boies.com](mailto:dboies@straus-boies.com)  
*Counsel for Dressed to Kill Custom Draperies LLC, Jose Juan, Edward Rush and Tracy Kinder*

Lance A. Harke, Esquire  
Harke & Clasby  
155 S. Miami Avenue  
Miami, FL 33130  
[lhake@harkeclasby.com](mailto:lhake@harkeclasby.com)  
*Counsel for Nathaniel Schwartz and Maria I. Prohias*

Allan Steyer, Esquire  
Steyer Lowenthal Boodrookas Alvarez & Smith LLP  
One California Street, Third Floor  
San Francisco, CA 94111  
[asteyer@steyerlaw.com](mailto:asteyer@steyerlaw.com)  
*Counsel for Cheryl Glick-Salpeter, Jay Salpeter, Jodi Salpeter and Michael H. Roach*

Bruce J. Wecker, Esquire  
Hosie McArthur LLP  
One Market Street  
Spear Street Tower #2200  
San Francisco, CA 94105  
[bwecker@hosielaw.com](mailto:bwecker@hosielaw.com)  
*Counsel for Dwight E. Dickerson*

Mario Nunzio Alioto, Esquire  
Trump Alioto Trump & Prescott LLP  
2280 Union Street  
San Francisco, CA 94123  
[malioto@tatp.com](mailto:malioto@tatp.com)  
*Counsel for Karol Juskiewicz and Lawrence Lang*

Francis O. Scarpulla, Esquire  
Law Offices of Francis O. Scarpulla  
44 Montgomery Street, Suite 3400  
San Francisco, CA 94104  
[foslaw@pacbell.net](mailto:foslaw@pacbell.net)  
*Counsel for Lazio Family Products, Law Offices of Laurel Stanley, William F. Cronin, Michael Brauch and Andrew Meimes*

Steven A. Asher, Esquire  
Robert S. Kitchenoff, Esquire  
Weinstein Kitchenoff & Asher, LLC  
1845 Walnut Street, Suite 1100  
Philadelphia, PA 19103  
[asher@wka-law.com](mailto:asher@wka-law.com) [kitchenoff@wka-law.com](mailto:kitchenoff@wka-law.com)  
*Counsel for Joseph Samuel Cone*

Francis A. Bottini, Jr., Esquire  
Wolf Haldenstein Adler Freeman & Herz  
750 B Street, Suite 2770  
San Diego, CA 92101  
[bottini@whafh.com](mailto:bottini@whafh.com)

*Counsel for Ryan James Volden, Ficor Acquisition Co LLC, Giacobbe-Fritz Fine Art LLC, Andrew Marcus, Bill Richards, Carl Yamaguchi, Charles Dupraz, David Kurzman, James R. Conley, Jeff Vaught, John Matia, Kathy Ann Chapman, Caresse Harms, JWRE Inc., Jim Kidwell, John Maita, Leslie March, Maria Pilar Salgado, Melissa Goeke, Nancy Bjork, Nancy Wolfe, Paula Nardella, Richard Caplan, Ron Terranova, Tom Hobbs, Vanessa Z. DeGeorge, Virginia Deering, Chrystal Moeller, Robert J. Rainwater, Mary Reeder and Sonia Yaco*

Edward A. Wallace, Esquire  
The Wexler Firm LLP  
One N. LaSalle Street, Suite 2000  
Chicago, IL 60602  
[eawallace@wexlerfirm.com](mailto:eawallace@wexlerfirm.com)  
*Counsel for Peter Jon Naigow*

Jason S. Hartley, Esquire  
Ross, Dixon & Bell LLP  
550 West B Street, Suite 400  
San Diego, CA 92101  
[jhartley@rdblawn.com](mailto:jhartley@rdblawn.com)  
*Counsel for Gabriella Herroeder-Perras*

Fred Taylor Isquith, Esquire  
Adam J. Levitt, Esquire  
Wolf Haldenstein Adler Freeman & Herz  
270 Madison Ave., 11th Floor  
New York, NY 10016  
[isquith@whafh.com](mailto:isquith@whafh.com)  
[levitt@whafh.com](mailto:levitt@whafh.com)

*Counsel for Ryan James Volden, Ficor Acquisition Co LLC, Giacobbe-Fritz Fine Art LLC, Andrew Marcus, Bill Richards, Carl Yamaguchi, Charles Dupraz, David Kurzman, James R. Conley, Jeff Vaught, John Matia, Kathy Ann Chapman, Caresse Harms, JWRE Inc., Jim Kidwell, John Maita, Leslie March, Maria Pilar Salgado, Melissa Goeke, Nancy Bjork, Nancy Wolfe, Paula Nardella, Richard Caplan, Ron Terranova, Tom Hobbs, Vanessa Z. DeGeorge, Virginia Deering, Chrystal Moeller, Robert J. Rainwater, Mary Reeder and Sonia Yaco*

Jeffrey S. Goddess, Esquire  
Rosenthal, Monhait, Gross & Goddess  
Mellon Bank Center, Suite 1401  
P.O. Box 1070  
Wilmington, DE 19899  
[jgoddess@rmgglaw.com](mailto:jgoddess@rmgglaw.com)  
*Counsel for Ludy A. Chacon, Joseph Samuel Cone, Darice Russ and Michael K. Simon*

Craig C. Corbitt, Esquire  
Zelle, Hofmann, Voelbel, Mason & Gette LLP  
44 Montgomery Street, Suite 3400  
San Francisco, CA 94104  
[ccorbitt@zelle.com](mailto:ccorbitt@zelle.com)  
*Counsel for William F. Cronin, Law Offices of Laurel Stanley and Lazio Family Products*

Eugene A. Spector, Esquire  
William G. Caldes, Esquire  
Spector Roseman & Kodroff, P.C.  
Suite 2500  
1818 Market Street  
Philadelphia, PA 19103  
[espector@srk-law.com](mailto:espector@srk-law.com)  
[bcaldes@srk-law.com](mailto:bcaldes@srk-law.com)  
*Counsel for David Arnold, Andrew S. Cohn,  
Jason Craig, Maria Griffin, Lena K. Manyin,  
Paul Ramos and Michael Ruccolo*

Juden Justice Reed, Esquire  
Schubert & Reed LLP  
Two Embarcadero Center, Suite 1600  
San Francisco, CA 94111  
[jreed@schubert-reed.com](mailto:jreed@schubert-reed.com)  
*Counsel for Patrick J. Hewson*

Russell M. Aoki, Esquire  
Aoki Sakamoto Grant LLP  
One Convention Place  
701 Pike Street, Suite 1525  
Seattle, WA 98101  
[russ@aoki-sakamoto.com](mailto:russ@aoki-sakamoto.com)  
*Counsel for Kevin Stoltz*

Richard A. Ripley, Esquire  
Bingham McCutchen  
1120 20th Street, NW, Suite 800  
Washington, DC 20036  
[richard.ripley@bingham.com](mailto:richard.ripley@bingham.com)  
*Counsel for Intel Corporation*

Donald L. Perelman, Esquire  
Fine Kaplan & Black, RPC  
1835 Market Street, 28th Flr  
Philadelphia, PA 19103  
[dperelman@finekaplan.com](mailto:dperelman@finekaplan.com)  
*Counsel for Kevin Stoltz*

Scott E. Chambers, Esquire  
Schmittinger & Rodriguez, P.A.  
414 S. State Street  
P.O. Box 497  
Dover, DE 19903  
*Counsel for David Arnold, Andrew S. Cohn,  
Jason Craig, Maria Griffin, Lena K. Manyin,  
Paul Ramos and Michael Ruccolo*

Natalie Finkelman Bennett, Esquire  
Shepherd, Finkelman, Miller & Shah  
65 Main Street  
Chester, CT 06412-1311  
[nfinkelman@classactioncounsel.com](mailto:nfinkelman@classactioncounsel.com)  
*Counsel for Ludy A. Chacon*

Michael L. Kirby, Esquire  
Kirby Noonan Lance & Hoge LLP  
One America Plaza  
600 West Broadway, Suite 1100  
San Diego, CA 92101  
[mkirby@knlh.com](mailto:mkirby@knlh.com)  
*Counsel for Justin Suarez*

Jeffrey A. Bartos, Esquire  
Guerrieri, Edmond, Clayman & Bartos, PC  
1625 Massachusetts Avenue, NW  
Washington, DC 20036  
[jbartos@geclaw.com](mailto:jbartos@geclaw.com)  
*Counsel for Jose Juan, Dressed to Kill Custom  
Draperies, LLC, Tracy Kinder and Edward  
Rush*

Randy R. Renick, Esquire  
Law Offices of Randy Renick  
128 North Fair Oaks Avenue, Suite 204  
Pasadena, CA 91103  
[rrr@renicklaw.com](mailto:rrr@renicklaw.com)  
*Counsel for Shanghai 1930 Restaurant  
Partners L.P. and Major League Softball Inc.*



Daniel Hume, Esquire  
Kirby McInerney & Squire LLP  
830 Third Avenue, 10th Floor  
New York, NY 10022  
[dhume@kmslaw.com](mailto:dhume@kmslaw.com)  
*Counsel for Raphael Allison and Matthew Kravitz*

Scott Ames, Esquire  
Serratore & Ames  
9595 Wilshire Blvd., Suite 201  
Los Angeles, CA 90212  
[scott@serratoreames.com](mailto:scott@serratoreames.com)  
*Counsel for Major League Softball, Inc.*

Douglas G. Thompson, Jr., Esquire  
Finkelstein, Thompson & Loughran  
1050 30<sup>th</sup> Street N.W.  
Washington, DC 20007  
[dgt@ftllaw.com](mailto:dgt@ftllaw.com)  
*Counsel for Ian Walker, Damon DiMarco, Carrol Cowan, Leonard Lorenzo and Russell Dennis*

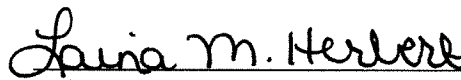
Reginald Von Terrell, Esquire  
The Terrell Law Group  
223 25th Street  
Richmond, CA 94804  
[REGGIET2@aol.com](mailto:REGGIET2@aol.com)  
*Counsel for Athan Uwakwe*

Daniel B. Allanoff, Esquire  
Steven Greenfogel, Esquire  
Meredith Cohen Greenfogel & Skirnicks, P.C.  
22nd Floor, Architects Building  
117 S. 17th Street  
Philadelphia, PA 19103  
[dallanoff@mcgslaw.com](mailto:dallanoff@mcgslaw.com)  
[sgreenfogel@mcgslaw.com](mailto:sgreenfogel@mcgslaw.com)  
*Counsel for Benjamin Allanoff*

Harvey W. Gurland, Jr., Esquire  
Duane Morris  
200 S. Biscayne Blvd., Suite 3400  
Miami, FL 33131  
[HWGurland@duanemorris.com](mailto:HWGurland@duanemorris.com)  
*Counsel for Intel Corporation*

Barbara C. Frankland, Esquire  
Rex A. Sharp, Esquire  
Gunderson Sharp & Walke, L.L.P.  
4121 W. 83rd St., Ste. 256  
Prairie Village, KS 66208  
[bfrankland@midwest-law.com](mailto:bfrankland@midwest-law.com)  
[rsharp@midwest-law.com](mailto:rsharp@midwest-law.com)  
*Counsel for Marvin D. Chance, Jr.*

VIA U.S. MAIL  
Clerk Michael J. Beck  
Clerk, MDL Judicial Panel  
One Columbus Circle, N.E.  
Room G-255, Federal Judiciary Bldg.  
Washington, DC 20002-8004  
*Pro Se*

  
Laina M. Herbert (Bar ID #4717)